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FILED

JUL 10 2009

RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) CR No. 09-70015 EDL
17 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
18 v.) CHANGING DATE FOR ARRAIGNMENT
19 VINCENT MERTES,) AND EXCLUDING TIME UNDER FED. R.
20 Defendant.) CRIM. P. 5.1 and 18 U.S.C. § 3161

21) Current Arraignment Date: July 17, 2009
22) Proposed Arraignment Date: August 21, 2009

22 On June 11, 2009, the parties in this case requested via written stipulation, and the Court
23 agreed, to set the date for the defendant's preliminary hearing or arraignment on July 17, 2009.
24 The parties now request that the Court change the date for the defendant's preliminary hearing or
25 arraignment to August 21, 2009. The parties also request that pursuant to Federal Rule of
26 Criminal Procedure ("FRCP") 5.1(d), the time limits set forth in FRCP 5.1(c) be extended
27 through August 21, 2009. The parties agree that, taking into account the public interest in
28 prompt disposition of criminal cases, good cause exists for this extension.

1 The defendant also agrees to exclude for this period of time any time limits applicable
2 under 18 U.S.C. § 3161. The parties represented that granting the continuance was the
3 reasonable time necessary for effective preparation of defense counsel. 18 U.S.C. §
4 3161(h)(7)(B)(iv). The parties also agreed that the ends of justice served by granting such a
5 continuance outweighed the best interests of the public and the defendant in a speedy trial. 18
6 U.S.C. § 3161(h)(7)(A).

7 || SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: July 9, 2009

/s/

DATED: July 9, 2009

For the reasons stated above, the Court finds that the extension of time for the defendant's preliminary hearing or arraignment through August 21, 2009 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A); FED. R. CRIM. P. 5.1(d). The failure to grant the requested continuance would deny the defendant effective preparation of counsel, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

SO ORDERED.

DATED: 7/10/00

THE HONORABLE EDWARD M. CHEN
United States Magistrate Judge